

seq.) of chapter 2 of this title. For complete classification of this Act to the Code, see section 58 of this title and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in text, is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

The Federal Hazardous Substances Labeling Act, referred to in text, is Pub. L. 86-613, July 12, 1960, 74 Stat. 372, as amended, which is classified generally to chapter 30 (§1261 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1261 of this title and Tables.

#### § 1461. Effect upon State law

It is hereby declared that it is the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for the labeling of the net quantity of contents of the package of any consumer commodity covered by this chapter which are less stringent than or require information different from the requirements of section 1453 of this title or regulations promulgated pursuant thereto.

(Pub. L. 89-755, §12, Nov. 3, 1966, 80 Stat. 1302.)

### CHAPTER 39A—SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES FOR PROTECTION OF CHILDREN

Sec.	Definitions.
1471.	Special packaging standards.
1472.	(a) Establishment.
	(b) Considerations.
	(c) Publication of findings, reasons, and citation of statutory authorizations.
	(d) Limitation.
1473.	Conventional packages, marketing.
	(a) Noncomplying packages for elderly or handicapped persons; labeling statements.
	(b) Noncomplying packages for substances dispensed pursuant to orders of medical practitioners.
	(c) Exclusive use of special packaging; necessary circumstances.
1474.	Regulations for special packaging standards.
	(a) Rule making procedure; election and application of procedure under section 371 of title 21; publication of election and proposal.
	(b) Judicial review; petition; record; additional evidence; jurisdiction of court of appeals; scope of review; relief pending review; finality of judgment; review by Supreme Court.
1475.	Repealed.
1476.	Preemption of Federal standards.
	(a) Exception for identical State standards.
	(b) Federal or State standards which afford a higher degree of protection.
	(c) Exemption for State standards; requirements; determination of burden on interstate commerce; notice and hearing.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2055, 2079 of this title; title 7 section 136w; title 21 sections 379r, 379s.

#### § 1471. Definitions

For the purpose of this Act—

(1) The term “Commission” means the Consumer Product Safety Commission.

(2) The term “household substance” means any substance which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household and which is—

(A) a hazardous substance as that term is defined in section 1261(f) of this title;

(B) a food, drug, or cosmetic as those terms are defined in section 321 of title 21; or

(C) a substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a house.

(3) The term “package” means the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of section 1473(a)(2) of this title, also means any outer container or wrapping used in the retail display of any such substance to consumers. Such term does not include—

(A) any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or

(B) any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

(4) The term “special packaging” means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

(5) The term “labeling” means all labels and other written, printed, or graphic matter (A) upon any household substance or its package, or (B) accompanying such substance.

(Pub. L. 91-601, §2, Dec. 30, 1970, 84 Stat. 1670; Pub. L. 92-516, §3(2), Oct. 21, 1972, 86 Stat. 998; Pub. L. 92-573, §30(a), Oct. 27, 1972, 86 Stat. 1231; Pub. L. 94-284, §3(a), May 11, 1976, 90 Stat. 503.)

#### REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 91-601 which enacted this chapter, section 136(z)(2)(i) of Title 7, Agriculture, and sections 343(n), 352(p), and 362(f) of Title 21, Food and Drugs, amended section 1261(p) of this title and section 353(b)(2) of Title 21, and enacted provisions set out as a note under this section. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### AMENDMENTS

1976—Par. (2). Pub. L. 94-284 struck out subpar. (B) which included pesticide as defined in section 136(u) of Title 7 within meaning of “household substance”, and redesignated subpars. (C) and (D) as (B) and (C), respectively.

1972—Par. (2)(B). Pub. L. 92-516 substituted “a pesticide” for “an economic poison”.